

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25648 of 2005

Between:

Ms.Zeenath Qureshi

..... PETITIONER

AND

Assistant Commissioner of Police,

P.S., Humayun Nagar, Hyderabad and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, directing the respondents not to interfere in civil disputes in respect of petitioner's property bearing No.12-2-800/248 on Plot No.248 in Survey No.312/1, admeasuring 176 sq.yards or 147.15 sq.meters and 12-2-800/248 on plot No.248 in Survey No.312/1, admeasuring 176 sq.yards or 147.15 sq.meters both situated at Dilshad Nagar Colony, Guddimalkaplur Village, Hyderabad, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner submits that she is the owner of the property mentioned in the writ petition. It is stated that when one Mohd.Yousuf Ali wanted to interfere with her peaceful possession and enjoyment of the property, she filed a suit in O.S.No.6474 of 2005 on the file of the IX Junior Civil Judge, City Civil Court, Hyderabad, in which an interim injunction was granted on 24.10.2005 in I.A.No.1098 of 2005. It is further stated that the 2nd respondent is illegally interfering with the civil disputes in respect of the property in question.

I am not inclined to express any opinion on merits as to whether the petitioner is in possession of the property in question or not or whether the said Mohd.Yousuf Ali is in possession or any other person is in possession of the said property, as the matter is to be decided by the civil court. Unless the said Mohd.Yousuf Ali or any other person filed any report/complaint, alleging that the petitioner has committed a cognizance offence, the police cannot interfere with the civil disputes of the petitioner. However, if there is any report/complaint filed against the petitioner, and the contents of the said complaint/report made out prima facie cognizable offence, it is always open for the police to register a case and investigate into, in accordance with law. Therefore, the

2nd respondent is directed not to interfere with the civil disputes in respect of the property in question.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 02.12.2005

Dsr